

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
HAZARDOUS WASTE POST-CLOSURE PERMIT

Name of Permittee: Waste Management of Indiana, LLC

Facility Location: Wheeler Landfill, Wheeler, IN

EPA Identification Number: IND 000708446

Issuance Date: October 23, 2008

Expiration Date: November 13, 2015

Authorized Activities

Pursuant to the Indiana Environmental Statutes (IC 13) and the rules promulgated thereunder and codified in Title 329 of the Indiana Administrative Code, Article 3.1 (329 IAC 3.1), the State permit conditions (hereinafter called the permit) of the Resource Conservation and Recovery Act of 1976 (RCRA) permit are issued to Waste Management of Indiana, LLC (hereinafter called the Permittee) to maintain and monitor a closed hazardous waste landfill located in Wheeler, Indiana, Section 2 and 3, Township 35N, Range 4W at latitude 41° 30' 59" N and longitude 87° 11' 56" W, Portage Indiana Quadrangle, on the U.S. Geological Survey topographic map.

The State RCRA program is authorized under 40 CFR Part 271 and Section 3006 of RCRA to administer the hazardous waste management program in lieu of the Federal program.

The Permittee is required to maintain and monitor the closed landfill for the duration of this permit.

Federal regulations 40 CFR Parts 260 through 270 have been incorporated by reference. Where exceptions to incorporated Federal regulations are necessary, these exceptions will be noted in the text of the State rule (329 IAC 3.1-1-7).

Applicable Regulations

The conditions of this post-closure permit were developed in accordance with the following applicable provisions of 329 IAC 3.1:

- ID & Listing of Hazardous Waste: 329 IAC 3.1-6, 40 CFR 261
- Standards for Owners and Operators of Treatment, Storage, and Disposal Facilities: 329 IAC 3.1-9, 40 CFR 264 Subpart A
- General Facility Standards: 329 IAC 3.1-9, 40 CFR 264 Subpart B
- Ground Water Protection: 329 IAC 3.1-9, 40 CFR 264 Subpart F
- Post-Closure: 329 IAC 3.1-9, 40 CFR 264 Subpart G
- Financial Requirements: 329 IAC 3.1-15
- Landfills: 329 IAC 3.1-9, 40 CFR 264 Subpart N
- Corrective Action for Solid Waste Management Units: 329 IAC 3.1-9, 40 CFR 264 Subpart S
- Hazardous Waste Permit Programs: 329 IAC 3.1-13, 40 CFR 270 Subparts A, B, C, and D
- Inspection and Investigation: 329 IAC 3.1-1-3 and 329 IAC 3.1-1-4
- Enforcement: 329 IAC 3.1-1-5

Permit Approval

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable rules and requirements contained in 329 IAC 3.1 and 40 CFR 260 through 270 as specified in the permit. Applicable rules are those which are in effect on the date of issuance of this permit. (See 329 IAC 3.1-13; 40 CFR 270.32)

This permit is based on the assumption that the information submitted in the post-closure permit application attached to the Permittee's letter dated December 2007, and any subsequent amendments (hereafter referred to as the application) is accurate and that the facility has been or will be constructed and/or operated as specified in the application. Any inaccuracies found in the application may be grounds for the modification, revocation and reissuance, or termination of this permit (329 IAC 3.1-13-7), and potential enforcement action. The Permittee must inform the Indiana Department of Environmental Management (IDEM) of any deviation from, or changes in, the information in the application which would affect the Permittee's ability to comply with the applicable rules or permit conditions.

Pursuant to IC 13-15-5-3 and IC 4-21.5-3-5(f), this permit takes effect fifteen (15) days from receipt of this notice. If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during administrative review, you must also file a Petition for Stay. The petition(s) must be submitted to the Office of Environmental Adjudication, Government Center North, Room 1049, 100 North Senate Avenue, Indianapolis, Indiana 46204, within fifteen (15) days after your receipt of this notice. The petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 requires that a Petition for Administrative Review must include:

1. The name and address of the person making the request.
2. The interest of the person making the request.
3. Identification of any persons represented by the person making the request.
4. The reasons, with particularity, for the request.
5. The issues, with particularity, proposed for consideration at the hearing.
6. Identification of the terms of the permit which, in the judgment of the person

making the request, would be appropriate in the case in question to satisfy the requirements of the law governing licenses of the type granted or denied by the Commissioner.

Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the Office of Environmental Adjudication. Filing of such a document is complete on the earliest of the following dates:

1. the date on which the petition is delivered to the Office of Environmental Adjudication, Government Center North, Room 1049, 100 North Senate Avenue, Indianapolis, Indiana 46204;
2. the date of the postmark on the envelope containing the petition, if the petition is mailed by United States mail; or
3. the date on which the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent by private carrier.

The portions of the permit for which a Petition for Stay has been filed will take effect at the expiration of the additional fifteen (15)-day period unless or until an Environmental Law Judge stays the permit in whole or in part. This permit shall remain in effect until seven (7) years from the effective date unless revoked and reissued, modified, or terminated (329 IAC 3.1-13-7), or continued in accordance with IC 13-15-6-3.

This permit terminates and supersedes any other State hazardous waste management permit.

Issued this ____ day of October 2008.

By: _____
Thomas E. Linson, Chief
Permits Branch
Office of Land Quality

Wheeler Landfill
Wheeler, Indiana
IND 000708446

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I. STANDARD CONDITIONS

A. EFFECT OF PERMIT

The Permittee is authorized to maintain and monitor disposed hazardous waste in accordance with the conditions of this State hazardous waste management post-closure permit. Any management of hazardous waste not authorized in this permit or the regulations is prohibited.

Pursuant to 329 IAC 3.1 and 40 CFR 260 through 270 (for HSWA Provisions), compliance with the conditions of this State hazardous waste management permit generally constitutes compliance for purposes of enforcement, with the Indiana Environmental Statutes and Resource Conservation and Recovery Act (RCRA), as amended by Hazardous Solid Waste Amendments (HSWA), except for those requirements not included in the Permit which become effective by statute, or which are promulgated under 329 IAC 3.1 and 40 CFR Section 260 through 270, restricting the placement of hazardous wastes in or on the land. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State, or local laws or regulations. Compliance with the terms of this permit does not constitute a defense to any Order issued or any action brought under Section 3013 or Section 7003 of RCRA; Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), commonly known as CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9606(a)), commonly known as SARA, or any other law providing for protection of public health or the environment. 329 IAC 3.1-13; 40 CFR 270.4; IC 13

B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 329 IAC 3.1-13-7. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

C. SEVERABILITY

The provisions of the permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. In the event that a condition of this permit is stayed for

any reason, all provisions of the permit severable from the stayed provisions shall take effect. With regard to stayed provisions of the permit, the Permittee shall continue to comply with the related applicable and relevant Permitted standards in 329 IAC 3.1-9 and 329 IAC 3.1-15 from the previously issued permit until final resolution of the stayed condition, unless the Commissioner of the Indiana Department of Environmental Management (Commissioner) determines that compliance with the related applicable and relevant standards would be technologically incompatible with other conditions of this permit which have not been stayed. 329 IAC 3.1-13; 40 CFR 270.32

D. DUTIES AND REQUIREMENTS

1. Duty to Comply The Permittee shall comply with all conditions of the State hazardous waste management permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of IC 13 and is grounds for enforcement action or permit modification. 329 IAC 3.1-13-1; 40 CFR 270.30(a); 270.61
2. Duty to Reapply The Permittee shall submit a complete application for a new permit at least 180 days before this permit expires unless: a) the Permittee is no longer required to have a State hazardous waste management permit, or b) permission for submittal on a later date has been granted by the Commissioner (The Commissioner will not grant permission for the application to be submitted later than the expiration date of the existing permit.) 329 IAC 3.1-13-1; 329 IAC 3.1-13-3(h); 40 CFR 270.30(b)
3. Permit Expiration The duration of this permit shall not exceed seven (7) years from the effective date of the permit, except as provided by 329 IAC 3.1-13-15. This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application for a new permit and through no fault of the Permittee, the Commissioner has not issued a new permit with an effective date under 329 IAC 3.1-13-14 on or before the expiration date of the previous permit. In the event the Permittee does not submit a complete renewal application in accordance with Permit Condition D2: all conditions herein will remain in effect until the permittee is notified otherwise by the Commissioner.
4. Need to Halt or Reduce Activity Not a Defense It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. 329 IAC 3.1-13-1; 40 CFR 270.30(c)
5. Duty to Mitigate In the event of noncompliance with this Permit, the Permittee

shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. 329 IAC 3.1-13-1; 40 CFR 270.30(d)

6. Proper Operation and Maintenance The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of the permit. 329 IAC 3.1-13-1; 40 CFR 270.30(e)
7. Duty to Provide Information The Permittee shall furnish to the Commissioner, within a reasonable time, any relevant information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit. 329 IAC 3.1-13-1; 40 CFR 270.30(h); 329 IAC 3.1-9-1; 40 CFR 264.74
8. Inspection and Entry Pursuant to 329 IAC 3.1-1-13-1 and 40 CFR 270.30(i), the Permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit (329 IAC 3.1-13-1; 40 CFR 270.30(i)(1));
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit (329 IAC 3.1-13-1; 40 CFR 270.30(i)(2));
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit (329 IAC 3.1-13-1; 40 CFR 270.30(i)(3)); and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by IC 13, any substances

or parameters at any location (329 IAC 3.1-13-1; 40 CFR 270.30(i)(4)).

9. Monitoring and Reporting

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the groundwater to be analyzed must be the appropriate method from 329 IAC 3.1-6-1; 40 CFR 261, Appendix I. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW- 846 (as referenced in 40 CFR 260.11); Standard Methods for the Examination of Water and Wastewater, (20th Edition, 1998); or an equivalent method as specified in the attached Groundwater Monitoring Plan. 329 IAC 3.1-13-1; 40 CFR 270.30(j)(1)
- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least three (3) years from the date of the sample, measurement, report, or record or for a period of time greater than three (3) years as specified elsewhere in this permit. These periods may be extended by request of the Commissioner at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. 329 IAC 3.1-13-1; 40 CFR 270.30(j)(2) and 40 CFR 264.74(b)
- c. Pursuant to 329 IAC 3.1-13-1; 40 CFR 270.30(j)(3), records of monitoring information shall include:
 - i. The date(s), exact place, and times of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) and laboratory who performed the analyses;
 - v. The analytical technique(s) or method(s) used. Analytical technique(s) or method(s) is defined as encompassing both the sampling technique (method) and method of chemical analysis used; and

- vi. The result(s) of such analyses, including QA/QC documentation.
 - d. Monitoring results shall be reported to the Commissioner at the intervals specified elsewhere in this permit. 329 IAC 3.1-13-1; 40 CFR 270.30(1)(4)
10. Reporting Planned Changes The Permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. 329 IAC 3.1-13-1; 40 CFR 270.30(1)(1)
11. Transfer of Permits This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 329 IAC 3.1-13-1; 40 CFR 270.40(b) or 40 CFR 270.41(b)(2) to identify the new permittee and incorporate such other requirements as may be necessary under IC 13. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of 329 IAC 3.1 and IC 13. 329 IAC 3.1-13-1; 40 CFR 270.40
12. Reporting Anticipated Noncompliance The Permittee shall give advance notice to the Commissioner of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notification does not excuse the Permittee's duty to comply with permit requirements. 329 IAC 3.1-13-1; 40 CFR 270.30(1)(2)
13. Compliance Schedules Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date. 329 IAC 3.1-13-1; 40 CFR 270.30(1)(5)
14. Twenty-four Hour Reporting The Permittee shall report to the Commissioner any noncompliance with the permit which may endanger health or the environment. Any such information shall be reported orally to the IDEM 24 hour emergency telephone number 888/233-7745, within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. Pursuant to 329 IAC 3.1-13-1; 40 CFR 270.30(1)(6), this report shall include the following:
- a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies.
 - b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the facility;
- iii. Date, time, and type of incident;
- iv. Name and quantity of material(s) involved;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee need not comply with the five (5)-day written notice requirement if the Commissioner waives the requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

15. Other Noncompliance The Permittee shall report all instances of noncompliance not otherwise required to be reported under Condition I.D. 12-14, at the time monitoring reports, as required by this permit, are submitted. The reports shall contain the information listed in Condition I.D.14. 329 IAC 3.1-13-1; 40 CFR 270.30(1)(10)
16. Other Information When the Permittee becomes aware that the facility failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, the Permittee shall promptly submit such facts or information. 329 IAC 3.1-13-1; 40 CFR 270.30(1)(11)
17. Submittal of Reports or Other Information All reports or other information required to be submitted by the terms of this permit shall be sent to:

Commissioner
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204
Attention: Chief, OLQ Permits Branch

18. All other requirements contained in RCRA, as amended, and in 40 CFR 270.30 not set forth herein are hereby fully incorporated in this permit.

E. SIGNATORY REQUIREMENT

All reports or other information requested by the Commissioner shall be signed and certified as required by 329 IAC 3.1-13-1; 40 CFR 270.11.

F. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with 329 IAC 3.1-13-4, and IC 13-14-11-1.

G. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE

Except as noted, the Permittee shall maintain at the facility, until the post-closure period is completed and certified by the owner/operator and an independent registered professional engineer, the following documents and amendments, revisions and modifications to these documents:

1. Groundwater Monitoring Plan as required by 329 IAC 3.1-9, 40 CFR 264.97 and this permit and any document(s) referenced therein to describe on-site procedures.
2. Groundwater monitoring data as required by 329 IAC 3.1-9, 40 CFR 264.97 and this permit.
3. Post-Closure Plan as required by 329 IAC 3.1-9, 40 CFR 264.118(c), and this permit.
4. Inspection schedules as required by 329 IAC 3.1-9, 40 CFR 264.15(b)(2), and this permit.
5. Record of facility inspections, as required by 329 IAC 3.1-9, 40 CFR 264.15(b)(2), and this permit. These records must be kept for at least three (3) years from the date of the inspection per 40 CFR 264.15(d).

II. GENERAL FACILITY CONDITIONS

A. MAINTENANCE OF FACILITY

The Permittee shall maintain the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, ground water or surface water which could threaten human health or the environment.

B. SECURITY

The Permittee shall comply with the security provisions of 329 IAC 3.1-9 and 40 CFR 264.14(b) and (c) as described in the Post-Closure Plan, Attachment C, which is incorporated herein by reference.

C. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule in Attachment B, which is incorporated herein by reference. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by 329 IAC 3.1-9 and 40 CFR 264.15(c). Records of inspections shall be kept as required by 329 IAC 3.1-9 and 40 CFR 264.15(d).

D. RECORDKEEPING AND REPORTING

If the Permittee is a generator of hazardous waste, they shall comply with the biennial report requirements of 329 IAC 3.1-9 and 40 CFR 264.75.

E. POST-CLOSURE

1. Performance Standard The Permittee shall maintain post-closure of the facility as required by 329 IAC 3.1-9 and 40 CFR 264.117 and in accordance with the Post-Closure Plan, Attachment C, which is incorporated herein by reference.
2. Certification of Post-Closure Care No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit, the Permittee shall submit to the Commissioner, by registered mail, a certification that the post-closure care for the hazardous waste disposal unit was performed in accordance with the specifications of the approved Post-Closure Plan. The certification must be signed by the Permittee and an independent

registered professional engineer. Documentation supporting the independent, registered professional engineer's certification must be furnished to the Commissioner upon request until the Commissioner releases the Permittee from the financial assurance requirements for post-closure care under 329 IAC 3.1-15-6.

F. COST ESTIMATE FOR FACILITY POST-CLOSURE

The Permittee's post-closure cost estimate, prepared in accordance with 329 IAC 3.1-15-5, is specified in the Post-Closure Plan, Attachment C.

1. The Permittee must revise the post-closure cost estimate whenever there is a change in the facility's post-closure plan as required by 329 IAC 3.1-15-5(c).
2. The Permittee must keep at the facility the latest post-closure cost estimate as required by 329 IAC 3.1-15-5(d).

G. FINANCIAL ASSURANCE FOR POST-CLOSURE CARE

The Permittee shall demonstrate continuous compliance with 329 IAC 3.1-15-6 by providing documentation of financial assurance, as specified by 329 IAC 3.1-15-10, in at least the amount of the cost estimates required by Permit Condition II.F. Changes in financial assurance mechanisms must be approved by the Commissioner pursuant to 329 IAC 3.1-15-6.

H. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with 329 IAC 3.1-15-9 whenever necessary.

III. LANDFILL CONDITIONS

A. WASTE IDENTIFICATION

The Permittee has disposed of the following wastes at the Wheeler Recycling and Disposal Facility.

<u>Waste Code</u>	<u>Description</u>	<u>Approx. Volume</u>
D008	TCLP for Lead	265 yd ³
F001	Spent Halogenated solvents used in degreasing.	7376.4 yd ³
K051	API separator sludge from the petroleum refining industry.	7560.8 yd ³
K087	Decanter tar sludge from coking operations	3961.9 yd ³

Hazardous wastes were disposed of in Wheeler Landfill from May 1981 through January 1983.

B. LOCATION INFORMATION

The landfill is located in the area as shown in Facility Description, Attachment A, incorporated herein by reference.

C. SURVEYING AND RECORD KEEPING 329 IAC 3.1-9, 40 CFR 264.309

The owner or operator of a landfill must maintain the following items:

1. On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and
2. The contents of each cell and the approximate location of each hazardous waste type within each cell.

D. POST-CLOSURE 329 IAC 3.1-9, 40 CFR 264.310

After final closure, the owner or operator must comply with all post-closure requirements contained in 329 IAC 3.1-9 and 40 CFR 264.117 through 40 CFR 264.120, including maintenance and monitoring throughout the post-closure care period. The owner or operator must:

1. Maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events;

2. Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of 329 IAC 3.1-9 and 40 CFR 264 Subpart F;
3. Prevent run-on and run-off from eroding or otherwise damaging the final cover; and
4. Protect and maintain surveyed benchmarks used in complying with 329 IAC 3.1-9 and 40 CFR 264.309.

IV. CORRECTIVE ACTION CONDITIONS

A. STANDARD REQUIREMENTS

1. Corrective Action At The Facility

In accordance with Section 3004(u) of RCRA (Indiana Code 13-22-2-5) and the regulations promulgated pursuant thereto, the Permittee must institute Corrective Action as necessary to protect human health and the environment for all releases of hazardous waste(s) or hazardous constituent(s) from any solid waste management unit (SWMU) or area of concern (AOC) at the facility, regardless of the time the waste was placed in such units. The Permittee shall perform all such work in a manner consistent with, at a minimum, the IDEM Risk Integrated System of Closure (RISC) Guidance.

2. Corrective Action Beyond The Facility Boundary

In accordance with Section 3004(v) of RCRA (Indiana Code 13-22-2-5) and the regulations promulgated pursuant thereto, the Permittee must implement Corrective Action(s) beyond the facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the IDEM's satisfaction that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be addressed under the RCRA Facility Investigation, Corrective Measures Study, and Corrective Measures Implementation phases, as determined to be necessary on a case-by-case basis.

3. Notification

a. Field Activities

The Permittee shall notify IDEM at least seven (7) days before engaging in any field activities, such as well drilling, installation of equipment, or sampling. At the request of IDEM, the Permittee shall provide IDEM or its authorized representative split samples of all samples collected by the Permittee pursuant to this permit. Similarly, at the request of the Permittee, IDEM shall allow the Permittee or its authorized representatives to take split or duplicate samples of all samples collected by IDEM under this permit.

b. Submittals

Four (4) copies of all reports, plans, and other submissions relating to or required by this permit (or one hard copy and one electronic copy in .pdf format) shall be sent to:

Indiana Department of Environmental Management
OLQ Permits Branch
100 N. Senate Avenue
Indianapolis, IN 46204
Attention: Chief, Hazardous Waste Permit Section

B. IDENTIFICATION OF SWMUs

1. Definitions

- a. “Area of Concern (AOC)” means a unit or area that could potentially produce unacceptable exposures or be a potential source of ground water contamination, but the unit or area does not meet the definition of a solid waste management unit.
- b. “Facility” means all contiguous property under the control of the owner/operator of a facility seeking a permit under Subtitle C.
- c. “Hazardous waste,” as defined in IC 13-11-2-99, means a solid waste or combination of solid wastes that may cause or significantly contribute to an increase in: mortality, serious irreversible illness, or an incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment. This term is further defined in 40 CFR Part 261.3.
- d. “Hazardous constituent” means any constituent identified in Appendix VIII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.
- e. “Release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes or hazardous constituents into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents.
- f. “Solid waste” means any garbage, refuse, sludge, or other

discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. This term is further defined in 40 CFR Part 261.2.

- g. “Solid Waste Management Unit (SWMU)” means any discernable unit, permitted or unpermitted, existing or historical, at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

2. SWMUs and AOCs Requiring Corrective Action

The following is a list of all SWMUs and AOCs previously identified at the facility. No Corrective Action activities are required at any of these SWMUs. A map showing the location of these SWMUs and AOCs is given in Attachment E.

SWMU/AOC Name and Identification Number

WRDF-1	Sanitary Landfill (Solid Waste and One Hazardous Cell): No further action required at this time.
WRDF-2	Aboveground Hazardous Waste Leachate Tank: No further action required at this time.
WRDF-3	Gas Venting System: There is no further action required for this SWMU as long as the facility maintains an active gas collection system.
WRDF-4	Aboveground Waste Oil Tank: No further action required at this time.
WRDF-5	NPDES Discharge and Run-off Pond: No further action required at this time.

C. NEWLY IDENTIFIED SWMUs OR RELEASES

1. Notification Requirements

The Permittee shall notify the IDEM, within thirty (30) days of discovery, of the following information requirements for any new SWMU identified at the facility, in accordance with 329 IAC 3.1-13-1 and 40 CFR 270.14(d):

- a. the location of the unit on the site topographic map;
- b. designation of the type of unit;
- c. general dimensions and structural description (supply any available drawings);
- d. when the unit was operated; and
- e. specifications of all waste(s) that have been managed at the unit.

2. Release Information

The Permittee must submit to the IDEM, within thirty (30) day of discovery, all available information pertaining to any release of hazardous waste(s) or hazardous constituent(s) from any new or existing SWMU.

3. Corrective Action

The IDEM will review the information provided in Condition IV.C. 1 and 2 above, and may as necessary, require further investigations or corrective measures. The Permittee shall submit a written RFI Workplan to the Section Chief of the Hazardous Waste Permit Section in accordance with Condition IV.D.2.

D. CORRECTIVE ACTION ACTIVITIES

The major tasks and required submittal dates are shown below. Additional tasks and associated submittal dates may also be specified in the Corrective Action Activities Schedule (Condition IV.F.).

1. Interim Measures (IM)

- a. The Permittee may undertake interim measure activities to prevent or minimize the further spread of contamination while long-term remedies are pursued. An IM Workplan shall be submitted to the IDEM for approval before the Permittee initiates any remedial activity. The interim measure(s) must be capable of being integrated into any long-term solution at the facility.
- b. In the event the Permittee identifies an immediate threat to human health or the environment, the Permittee shall immediately notify the Section Chief orally and in writing within seven (7) days summarizing the

immediacy and magnitude of the potential threat to human health or the environment.

Upon receiving this information, the IDEM will determine if an IM Workplan is necessary. If one is necessary, the Section Chief will send a notice to the Permittee requiring the submission of an IM Workplan. Within twenty-one (21) days after receiving this notice, the Permittee shall submit to the Section Chief a workplan for approval that identifies the interim measure(s).

The workplan should be consistent with and integrated into any long-term solution at the facility. In addition, the following Interim Measure schedule shall be initiated:

- i. Within five (5) days, the Permittee shall provide an alternate water supply to parties that have a contaminated water supply well;
- ii. Within seven (7) days, the Permittee shall submit a report to the Section Chief detailing the activity pursued and a plan for further Interim Measures activity;
- iii. Within seven (7) days following the Section Chief's transmission of comments, the Permittee shall revise the plan in accordance with the comments; and
- iv. Within seven (7) days following the IDEM's approval or modification of the plan, the Permittee shall implement the revised plan in accordance with the schedule therein.

2. RCRA Facility Investigation (RFI)

The Permittee shall conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous waste(s) and hazardous constituent(s) from all SWMUs and AOCs identified as requiring an RFI.

a. RFI Workplan

The Permittee shall submit a written RFI Workplan to the Section Chief within ninety (90) days after written notification by the Section Chief that further investigation is necessary.

The IDEM will approve, modify and approve, or disapprove and provide

comments on the Workplan in writing to the Permittee. Within sixty (60) days of receipt of such comments, the Permittee shall provide a response to the IDEM's comments.

b. RFI Implementation

Within thirty (30) days of the IDEM's written approval of the RFI Workplan, the Permittee shall implement the plan according to the terms and schedule contained therein.

c. RFI Report

Within ninety (90) days after the completion of the RFI, the Permittee shall submit an RFI Report to the Section Chief. The RFI Report shall describe the procedures, methods, and results of the RFI. The report must contain adequate information to support further corrective action decisions at the facility. After the Permittee submits the RFI Report, the IDEM shall either approve or disapprove the report in writing. If the IDEM disapproves the report, the Section Chief shall notify the Permittee in writing of the deficiencies. The Permittee has thirty (30) days after receipt of the IDEM's comments to submit a revised RFI Report to the Section Chief.

3. Determination of No Further Action

a. Permit Modification

After completion of the RFI, and based on its results and other relevant information, the Permittee may submit an application to the Section Chief for a permit modification under 40 CFR 270.42 to terminate the corrective action tasks of the Corrective Action Activities Schedule for all or a portion of the facility. Tasks identified in Permit Condition IV.F. for the SWMUs, solid waste management areas (a group of SWMUs in an area to be addressed as a single unit), and/or the AOCs identified in the modification (for a determination of no further action) shall be stayed pending a decision by IDEM. This permit modification must conclusively demonstrate that there are no releases of hazardous waste(s), including hazardous constituents, from SWMUs or AOCs at the facility that pose a threat to human health or the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other information, IDEM determines that releases or suspected releases that were

investigated either are nonexistent or do not pose a threat to human health or the environment, IDEM will grant the requested modification

b. Further Investigations

A determination of no further action shall not preclude the IDEM from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates that a release or likelihood of a release from a SWMU or AOC at the facility is likely to pose a threat to human health or the environment. In such a case, the IDEM shall initiate a modification to the Corrective Action Activities Schedule to rescind the determination made in accordance with Condition IV.D.3.a. Additionally, the IDEM may determine that there is insufficient information on which to base a determination, and may require the Permittee to perform additional investigations as needed to generate the needed information.

4. Corrective Measures Study (CMS) and Remedy Selection

If the IDEM determines, based on the results of the RFI and other relevant information, that corrective measures are necessary, the Section Chief will notify the Permittee in writing that the Permittee shall conduct a CMS. The purpose of the CMS is to develop and evaluate the corrective action alternative(s) that will satisfy the performance objectives specified by the IDEM. The CMS shall be conducted within sixty (60) days of notification by the Section Chief that the CMS is required. This period of time may be extended by the Section Chief if necessary to adequately complete the CMS. Note that this process can be significantly shortened by the selection of presumptive remedies (i.e., remedies that are known to be effective). Additional tasks and associated submittal dates may also be specified in the Corrective Action Activities Schedule (Condition IV.F.).

a. CMS Report

Within sixty (60) days after the completion of the CMS, the Permittee shall submit a CMS Report to the Section Chief. The CMS Report shall summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative. After the Permittee submits the CMS Report, the IDEM shall either approve, modify and approve, or disapprove the Report. If the IDEM disapproves the Report, the Section Chief shall notify the Permittee in writing of the deficiencies. The Permittee has thirty (30) days after receipt of the IDEM's comments to submit a revised CMS Report to the Section Chief.

The CMS Report, as approved, becomes an enforceable condition of this permit.

b. CMS Remedy Selection

The IDEM will select a corrective measure for implementation based on the following factors. The corrective measure selected for implementation must: (1) be protective of human health and the environment; (2) attain media cleanup standards; (3) control the source(s) of releases so as to reduce or eliminate further releases of hazardous waste(s) (including hazardous constituent(s)); (4) minimize the transfer of contamination from one environmental medium to another; and (5) comply with all applicable standards for management of wastes.

If two or more of the corrective measures studied meet the threshold criteria set out above, the IDEM will choose among alternatives for Corrective Measures Implementation by considering remedy selection factors including: (1) long-term reliability and effectiveness; (2) the degree to which the corrective measure will reduce the toxicity, mobility or volume; (3) the corrective measure's short-term effectiveness; (4) the corrective measure's implementability; and (5) the relative cost associated with the alternative. In selecting the corrective measure(s), the IDEM may also consider such other factors as may be presented by site-specific conditions.

5. Permit Modification

Within thirty (30) days of IDEM's selection of a corrective measure, IDEM or the Permittee will initiate a permit modification, pursuant to 40 CFR 270.41 or 40 CFR 270.42, respectively, for the implementation of the corrective measure(s) selected.

6. Corrective Measures Implementation (CMI)

- a. If the corrective measure(s) recommended in the Corrective Measures Study Report is (are) not the corrective measure(s) selected by IDEM after consideration of public comments, the Section Chief shall inform the Permittee in writing of the reasons for such decision. Thirty (30) days after the effective date of the permit modification, the Permittee shall implement the corrective measure(s).

b. Financial Assurance

As part of the permit modification of this permit to incorporate the CMI, the Permittee shall provide financial assurance in the amount specified by the IDEM for necessary corrective action activities as required by 40 CFR 264.101(b) and (c).

7. Incorporation of plans and reports

All approved plans and reports prepared for this permit shall be incorporated into this permit on the date the Section Chief or his/her designee approves such plan or report.

E. DISPUTE RESOLUTION

1. If IDEM disapproves or modifies and approves any submission required by Condition IV. of the permit, IDEM shall provide the Permittee with a written notice setting forth the reasons for the disapproval or modification and approval.
2. If the Permittee disagrees, in whole or in part, with any written decision concerning IDEM's disapproval or modification and approval of any submission required by Condition IV. of the permit, the Permittee shall notify IDEM of the dispute. The Permittee and IDEM shall informally, and in good faith, endeavor to resolve the dispute.
3. If the Permittee and IDEM cannot resolve the dispute informally, the Permittee may pursue the matter formally by submitting a written statement of position to the Commissioner or his/her designee, within twenty-eight (28) days of receipt of IDEM's written disapproval or modification and approval. The Permittee's statement of position shall set forth the specific matters in dispute, the position that the Permittee asserts should be adopted as consistent with the requirements of the permit, the basis for the Permittee's position, and shall include any supporting documentation. If the Permittee fails to follow any of the requirements contained in this paragraph, then it shall have waived its right to further consideration of the disputed issue.
4. IDEM and the Permittee shall have an additional fourteen (14) days from the date of the Commissioner's receipt of the Permittee's statement of position to meet or confer to attempt to resolve the dispute. This time period may be extended by IDEM for good cause. If agreement is reached, the Permittee shall submit a revised submission, if necessary, and shall implement the submission in accordance with such agreement.

5. If the IDEM and the Permittee are not able to reach agreement within the 14-day period, or such longer period corresponding to IDEM's extension for good cause, the Permittee may submit any additional written arguments and evidence not previously submitted, or further explain any arguments or evidence previously submitted, to the Commissioner. Based on the record, the Commissioner, or delegate, will thereafter issue a written decision that shall include a response to the Permittee's arguments and evidence. This written decision will constitute final agency action.
6. Notwithstanding the invocation of this dispute resolution procedure, the Permittee shall proceed to take any action required by those portions of the submission and of the permit that IDEM determines are not substantially affected by the dispute. The activity schedule for those portions of the submission and of the permit which are substantially affected by the dispute shall be suspended during the period of dispute resolution.

F. CORRECTIVE ACTION ACTIVITIES SCHEDULE

<u>Activity</u>	<u>Due Date</u>
1. IM Workplan	21 days after notice by the Section Chief or his/her designee
2. RFI Workplan	90 days after notification by the Section Chief or his/her designee
3. Notification of newly identified SWMUs	30 days after discovery
4. RFI Workplan for newly identified SWMUs	90 days after receipt of Section Chief's notification
5. RFI Workplan modification	60 days after receipt of Section Chief's comments
6. RFI Implementation	30 days after RFI Workplan approved
7. RFI Report	90 days after completion of RFI
8. RFI Report Modification	30 days after receipt of Section Chief's comments
9. Corrective Action Progress Reports	Quarterly, on the tenth day of January, April, July, and October of each year after effective date of permit
10. CMS Report	60 days after receipt of Section Chief's notification
11. CMS Report modification	30 days after receipt of Section Chief's comments
12. Permit Modification for Corrective Measure Implementation	30 days after receipt of Section Chief's notification (Modification may be a Class 1, 2, or 3 at Section Chief's discretion)
13. CMI Program Plan	30 days after effective date of permit

modification

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| 14. CMI Program Plan Modification | 30 days after receipt of Section Chief's comments |
| 15. CMI Reports | Quarterly until construction of corrective measure is complete |
| 16. CMI Report Modification | 30 days after receipt of Section Chief's comments |
| 17. Operation and Maintenance Progress Reports | Quarterly, on the tenth day of January, April, July, and October of each year after effective date of permit |

G. FORCE MAJEURE

Force Majeure," for purposes of this Permit, is defined as any event arising from causes beyond the control of the Permittee that delays or prevents the performance of any obligation under this Permit despite Permittee's best efforts to fulfill the obligation. The requirement that the Permittee exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event as it is occurring and best efforts to address the effects of any potential force majeure event as it is occurring and following the potential force majeure event, such that the delay is minimized to the greatest extent possible. "Force Majeure" does not include financial inability to complete the work required by this Permit nor any increases of costs to perform the work.

The Permittee shall notify IDEM by calling within three (3) calendar days and by writing no later than seven (7) calendar days after any event which the Permittee contends is a force majeure. Such notification shall describe the anticipated length of the delay, the cause or causes of the delay, the measures taken or to be taken by the Permittee to minimize the delay, and the timetable by which these measures will be implemented. The Permittee shall include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude the Permittee from asserting any claim of force majeure for that event. The Permittee shall have the burden of demonstrating that the event is a force majeure. The decision of whether an event is a force majeure shall be made by IDEM. Said decision shall be communicated to the Permittee.

If a delay is attributable to a force majeure, IDEM shall extend, verbally or in writing, the time period for performance under this Permit by the amount of time that is attributable to the event constituting the force majeure. Any final determination by

IDEM under this section shall be reviewable under IC 4-21.5. However, if the Permittee appeals an IDEM decision concerning force majeure, such appeal shall not toll the accrual of penalties during the review of that appeal.

V. Groundwater Monitoring Conditions

Condition V of this permit addresses groundwater monitoring under the hazardous waste rules (i.e., 329 IAC 3.1 and 40 CFR 264).

A. Well Location and Construction

1. The Permittee shall maintain the ground water monitoring wells specified below, at the locations shown in figure A-2 of Attachment A throughout the effective term of this permit.

The ground water monitoring system for the facility shall consist of wells: G01BR, G02BR, G03BR, G05BR, G07A, G07BR, G11B, G12B, G13, G14, G14D, G15 and G16. The construction of the wells is documented in the construction specifications contained in the Groundwater Sampling Plan. Construction of any new wells must follow the specifications summarized in the Groundwater Sampling Plan.

2. The Permittee shall maintain monitoring wells identified in permit condition V.A.1 in accordance with the maintenance requirements specified in the Groundwater Sampling Plan.
3. The Permittee shall submit a proposal for any additional borings, monitoring wells and piezometers, and the sealing of any wells or piezometers necessary to maintain compliance with 40 CFR 264.97 and 264.98. This proposal shall contain:
 - a. The most recent potentiometric maps (with all piezometer and well water level readings displayed) of each hydrostratigraphic unit under the facility.
 - b. Table of water levels for all wells and piezometers.
 - c. A minimum of two (2) flow nets, one north-south cross section and one east-west cross section, plus any others necessary to encompass all hydrostratigraphic units if sufficient information is available. The potentiometric surface maps, one for the base of the A zone and one for the base of the B zone will be completed semi-annually after the first year of monitoring.
 - d. Representative ground water flow rates for each hydrostratigraphic unit.

Any of these requirements may be modified or waived upon approval of the Commissioner.

4. The Permittee shall maintain a ground water monitoring system at the point of compliance. Based on the data generated during the hydrogeological study (included as Appendix 11 of the 11-22-1991 application), the point of compliance shall be the existing thirteen (13) monitoring wells listed in V.A.1.
5. Access ways to each monitoring well must be maintained and passable throughout each season of the year. The use of these access ways must be restricted to persons authorized by the owner, operator, or permittee.

B. Sampling and Analysis Procedures

The Permittee shall obtain and analyze samples from the ground water monitoring wells specified in condition V.A.1 using the techniques and procedures described in the Groundwater Sampling Plan and the Quality Assurance Project Plan for sample collection, preservation, analysis, and chain-of-custody.

C. Ground Water Elevation

1. The Permittee shall determine the water level in each ground water monitoring well and piezometer, specified in condition V.A.1, each time the ground water is sampled in accordance with permit condition V.D. The Permittee shall determine ground water flow rates and direction and submit the results of these determinations to the Commissioner by March 1st of the following year per 40 CFR 264.98(e) and 40 CFR 264.77(c).

Flow rate and direction will be determined by mapping two potentiometric surfaces for each sampling event. One potentiometric surface map will be constructed for wells completed at the base of the A zone. An additional potentiometric surface map will be constructed for wells completed at the base of the upper member of the B zone and wells completed in the shale gravels. The contour interval for the potentiometric surface maps will be no greater than 1.0 foot.

2. The Permittee shall submit a proposal for any additional wells and piezometers needed if and when the ground water flow direction evaluation under permit condition V.C.1 indicates that the monitoring wells are no longer adequately monitoring the compliance point specified in permit condition V.A.4. This proposal shall be submitted to the

Commissioner along with the report required under permit condition V.C.1.

D. Detection Monitoring Program

The Permittee shall perform detection monitoring for the hazardous waste parameters, as specified in Attachment D semi-annually throughout the life of the post-closure period for this portion of the facility (30 years with 12 years remaining). Notwithstanding, the sampling frequency shall be such that, based on the velocity, flow direction, and the distance to the property boundary, contaminants would not leave the property without detection within the semi-annual sampling period.

The Wheeler Landfill will conduct a detection monitoring program under the hazardous waste (i.e., 329 IAC 3.1) rules. The detection monitoring program for the hazardous waste program is described in the body of this permit and Attachment D. The Detection Monitoring parameters are listed in Table 1 of the Groundwater Sampling Plan.

E. Background Determinations

1. The Permittee shall establish background values for the detection monitoring indicator parameters listed in Table 1 of the Groundwater Sampling Plan in accordance with procedures described in the Statistical Plan.
2. The Permittee shall analyze samples collected during the first sampling event following installation of a new, non-replacement monitoring well for the parameters listed in 40 CFR 264, Appendix IX. Analytical methods provided in the most recent edition of Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, SW 846 will be utilized. If any Appendix IX constituents are detected above the PQLs in the initial sample the Permittee may resample the well to confirm their presence.
If Appendix IX parameters are confirmed the permittee must follow the notification, reporting, and compliance requirements of section V.G. of this permit. An application for a permit modification to establish a compliance monitoring program meeting the requirements of 40 CFR 264.99 shall be submitted to the commissioner by the Permittee if the presence of Appendix IX constituents are confirmed. In lieu of submitting a modification to establish a compliance monitoring program, the Permittee may submit a report demonstrating that the detected

Appendix IX constituents are naturally occurring, or the Permittee may submit a report demonstrating that the source of the detected Appendix IX constituents is other than the regulated unit. However, the owner or operator is not relieved of the requirement to submit a permit modification application within 90 days after the increase is discovered, unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation.

Background sampling for new monitoring wells, not installed as replacements for existing wells, shall be conducted on a quarterly basis for two (2) years starting with the first sampling event after installation. After obtaining eight (8) quarters of data, the indicator background values shall be computed according to procedures described in the Statistical Plan. Ground water sampling and adjustments to background values shall be performed in accordance with the Statistical Plan after the first two years.

If a new monitoring well is installed as a replacement for an existing well and is placed within ten (10) feet of the replaced well, then 40 CFR 264, Appendix IX sampling will not be required during the first sampling event. Indicator background values for the new well shall be those established for the replaced well, with updates performed in accordance with the Statistical Plan. Detection monitoring, in these cases, shall commence with the first sampling event after installation.

F. Statistical Program

Ground water monitoring wells G01BR and G05BR are upgradient monitoring wells. Ground water samples are collected from these wells, and the results from G01BR and G05BR are compared to intrawell statistical limits. However, these monitoring wells were installed to provide information on ground water quality upgradient from the facility. Changes in ground water quality in these two monitoring wells are not considered to be attributable to the landfill; rather, changes in parameter concentrations in these two monitoring wells are interpreted to result from the influences upgradient from the landfill. The Permittee will not initiate a verification resampling program or an assessment monitoring program based on results from wells G01BR or G05BR.

Statistical analysis of ground water data collected at the facility will be performed using the procedures described in the Statistical Plan. For existing wells, background data collected since 1989 was used in preparing parametric and non-parametric prediction limits for each indicator constituent listed in Table 1 of the Ground Water Sampling and Analysis Plan at each monitoring well. Background data for new wells will be collected according to the procedures described in part V.E.2. of this permit. Statistical testing procedures include:

For the indicator parameters identified in Section V.E.1 which have intrawell prediction limits established in accordance with the Statistical Plan, the facility will conduct the following evaluation:

The prediction limit value which was established for the indicator parameters will be compared to the value from each routine sampling event for that well.

If the analytical results of none (i.e. 0) of the parameters presented in the Groundwater Sampling Plan exceed the prediction limit value, it will be concluded that a statistically significant increase has not occurred for the well in question and no further action will be required.

If the analytical result of any indicator parameter in a downgradient well exceeds the statistical limit value, two independent verification samples may be collected. If the result of the first re-sample does not exceed the corresponding background value, it will be concluded that a significant increase has not occurred. In the event the first re-sample exceeds the corresponding background value, then a second independent re-sample will be collected. If the result of the second re-sample does not exceed the background value, then it will be concluded that a significant increase has not occurred. In the event the second re-sample exceeds the corresponding background value, then it will be concluded that a statistically significant increase has occurred for the well in question and the facility shall proceed to comply with permit condition V.G.1.

Providing there are no confirmed statistical increases, the facility shall continue detection monitoring in accordance with Permit Condition V.D.1.

G. Reporting and Recordkeeping

The Permittee shall enter into the operating record all monitoring, testing, and analytical data obtained in accordance with Attachment D.

All samples, chemical analyses, and statistical analyses required for the monitoring program described in Attachment D will be collected semi-annually during the first and third quarters of each calendar year. All data collected for the ground water monitoring program and all analytical statistical results will also be submitted to the IDEM Office of Land Quality (OLQ) within one hundred and twenty (120) days of the sampling event in accordance with the electronic data submittal guidelines included in the Quality Assurance Project Plan.

If the Permittee determines, based on the results of the statistical evaluation, that there is a statistically significant increase for any of the parameters specified in Table 1 of the Groundwater Sampling Plan at any monitoring well at the compliance point, the Permittee shall:

1. Notify the commissioner of this finding in writing indicating what parameters and wells have shown statistical increases and provide all statistical calculations which have been completed. This notification shall be submitted to the Agency within seven (7) days of the date of the determination of a statistically significant increase. This statistically significant increase determination must be made in a time period not to exceed one hundred and twenty (120) days from the date of the initial sampling event in which the increase was discovered.
2. Immediately sample the ground water in all wells and determine the concentration of all constituents identified in 40 CFR 264, Appendix IX such that the results will accompany the permit modification required by permit condition V.G.3, below. The Permittee may re-sample the wells within one month to confirm the initial results as outlined in 40 CFR 264.98(g).
3. Submit to the commissioner of the Agency an application for a permit modification to establish a compliance monitoring program meeting the requirements of 40 CFR 264.99.

The application will be submitted to the commissioner within ninety (90) days of the date of the notification required under Permit Condition V.G.1. Furthermore, the application must include the following information:

- a. An identification of the concentration of any 40 CFR 264, Appendix IX constituents found in the ground water at each monitoring well at the compliance point;

- b. Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of 40 CFR 264.99;
 - c. Any proposed changes to the monitoring frequency, sampling and analysis procedures, or methods or statistical procedures used at the facility necessary to meet the requirements of 40 CFR 264.99; and
 - d. For each hazardous constituent found at the compliance point, a proposed concentration limit under 40 CFR 264.94(a)(1) or (2), or a notice of intent to seek a variance under 40 CFR 264.94(b).
4. Within one hundred and eighty (180) days of the date of the notification required under Permit Condition V.G.1., submit to the commissioner:
- a. All data necessary to justify any variance sought under 40 CFR 264.94(b); and
 - b. An engineering feasibility plan for a corrective action program necessary to meet the requirements of 40 CFR 264.100, unless:
 - i. All hazardous constituents identified under Section IV.G.2 above are listed in 40 CFR 264.94 and their concentrations do not exceed the respective values given in Table 1 of 40 CFR 264.94; or
 - ii. The Permittee has sought a variance under 40 CFR 264.94(b) for every hazardous constituent identified under permit condition IV.G.2.
5. If the Permittee determines, pursuant to Permit Condition V.F., that there is a statistically significant increase above the background values for the detection monitoring parameters specified in the Groundwater Sampling Plan, the Permittee may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. However, the owner or operator is not relieved of the requirement to submit a permit modification application within 90 days of the date of the notification required under Permit Condition V.G.1., unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation.

To make this demonstration, the Permittee shall:

- a. Submit to the commissioner in writing within seven (7) days of determining a statistically significant increase at the compliance point, and within one hundred and twenty (120) days of the initial sampling event in which the increase was discovered, that the Permittee intends to make a demonstration.
- b. Within ninety (90) days of the notification required under Permit Condition V.G.5.a., the Permittee shall submit, for approval, a report to the Commissioner of the IDEM which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation.
- c. Submit to the commissioner for approval, an application for a permit modification to make any appropriate changes to the detection monitoring program. This application will be submitted within ninety (90) days of the date of the notification required under Permit Condition V.G.5.a.
- d. Continue to monitor in accordance with the detection monitoring program at the facility.

The owner or operator is not relieved of the requirement to submit a permit modification application to establish a compliance monitoring program within 90 days of the date of the notification required under Permit Condition V.G.1., unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation.

H. Permit Modification

If the Permittee determines that the detection monitoring program no longer satisfies the requirements of 40 CFR 264.98, the Permittee shall, within ninety (90) days, submit an application for a permit modification to make any appropriate changes to the program which will satisfy the regulations.